

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant: Phelan et al.)
)
Serial No.: 09/993, 992)
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Filed: November 14, 2001)
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For: "Method and Apparatus for)
Automatically Exchanging Credit)
Information")
)
Group Art Unit: 3694)
)
Attorney Docket: 29804/36569A)
)
Examiner: Jamie H. Swartz)
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**DECLARATION OF WILLIAM PHELAN
PURSUANT TO 37 C.F.R §1.131**

I do hereby declare as follows:

1. I am a named co-inventor of the subject matter disclosed and claimed in the above-identified application ("the patent application").
2. I make this declaration for the purpose of providing evidence that the method for automatically exchanging credit information, as recited in the claims of the patent application, was conceived in the United States as of a date prior in time to March 2, 2000.
3. I have been informed that International Publication Number WO 200011586 to Wallace et al., (hereinafter, "Wallace") was cited against the claims pending in the patent application.
4. I have been informed that the effective date of Wallace as an alleged prior art reference is March 2, 2000.
5. I have read and understood the Wallace reference.

6. I have also been informed that United States Patent No. 6,795,819 to Wheeler et al., (hereinafter, "Wheeler") was cited against the claims pending in the patent application.
7. I have been informed that the effective date of Wheeler as an alleged prior art reference is August 4, 2000.
8. I have read and understood the Wheeler reference.
9. To establish the date of conception of our invention prior to March 2, 2000, which is the earlier of the corresponding effective dates of Wallace and Wheeler, I provide evidence in the form of a document entitled "Meeting Notes" (hereinafter, "Meeting Notes;") a copy of which is attached hereto as Exhibit A. This document outlines the discussion of the proposed Payment Information Network, in which I participated. Portions of the document have been redacted, including redactions to remove date information.
10. The header on page 1 of Meeting Notes carries the redacted date the meeting took place. Additionally, each of pages 1-10 carries the same date in the redacted footer section. The redacted date indicates that the meeting took place prior to March 2, 2000.
11. Meeting Notes discloses at least several of the features claimed in the patent application subject to the present reexamination proceedings.
12. Under the sub-heading "Transmit lease payment history report to KW/PIN" (pages 4-6), Meeting Notes discloses the acts of obtaining payment history file from a member's accounting system, wherein the payment history data is associated with at least a first customer, creating a payment history file that contains the payment history data, loading the payment history file through the Internet to a system database, validating the payment history data by comparing the obtained history data to a data record associated with the first customer if the data record associated with the first customer is present in a

centralized data repository, evaluating the payment history data in the payment history file, formatting the payment history file into a payment history report, and storing the payment history report in the centralized data repository.

13. On page 5, Meeting Notes also discloses performing matching routines on the payment history data, wherein new lenders are created if no matching lender is found in the system database, and at least one of adding or updating payment history data in the system database is performed if a matching lender is found in the system database, as recited in claim 3 of the patent application.

14. During the time period just prior to January 10, 2000 until the filing date of the patent application, the inventors of the above identified patent application were engaged in further activities related to the invention, including specification development, product development, testing and preparation of the above-identified patent application.

15. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and such willful false statements may jeopardize the validity of the application or patent issued thereon.

1/11/08
Date

William Phelan
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